IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

NORMAN L. AGNEW	§	
VS.	§	CIVIL ACTION NO. 9:19-CV-13
DIRECTOR, TDCJ-CID	§	

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Inmate Norman L. Agnew, currently confined at the Wallace Unit with the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed what appeared to be a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.[1]

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The Magistrate Judge recommends dismissing plaintiff's claims pursuant to 28 U.S.C. § 1915(g).

The Court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, and pleadings. No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.[2]

---

[1]Although Agnew filed this action on a form petition for a § 2254 application for writ of habeas corpus, a closer examination revealed he is pursuing a civil rights action pursuant to 42 U.S.C. § 1983. Agnew asserts claims for false imprisonment, false arrest, and seeks damages. Agnew also references the Federal Tort Claims Act. As outlined by the Magistrate Judge, it would appear Agnew is attempting to bypass the § 1915(g) three strikes bar by attempting to file his civil rights claims under a petition for writ of habeas corpus.

[2]Plaintiff received a copy of the Report and Recommendation no later than February 21, 2019 (docket entry no. 7).

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct, and the report of the Magistrate Judge is **ADOPTED**. A Final Judgment will be entered in accordance with the recommendations of the Magistrate Judge.

So Ordered and Signed

May 10, 2019

_____
Ron Clark, Senior District Judge